

EXHIBIT H

to Plaintiff's
Motion for Sanctions



IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT
OF MISSOURI EASTERN DIVISION

CASE NO. 4:19-cv-00927

JAMIE LEONARD,

Plaintiffs,

vs.

ST. CHARLES COUNTY MISSOURI, et al.,

Defendants.

DEPOSITION OF WILLIAM KENNETH KATSARIS

Wednesday, February 10, 2021

11:05 a.m. - 1:11 p.m.

17 REMOTE

20 STENOGRAPHICALLY REPORTED BY:
21 JUDY CHIN, RPR, CRR, FPR, CCR
FOR THE RECORD

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FOR THE RECORD

1 that I wanted to ask you about.

2 As part of your review of the material,
3 did you review videos of Mr. Leonard inside of the
4 cell, both the first cell and the second cell?

5 A I did.

6 Q Did you see any videos of outside the
7 cells in the hallway area where the officers did
8 some of the activities that you testified about
9 today?

10 A No. I'm aware that there were --
11 certainly should have been cameras in the hallways.

12 As a matter of fact, I never had seen a
13 jail that has video inside of the cell that doesn't
14 have video in the hallways. And those obviously
15 should be collected at the same time the ones from
16 inside of the cell are collected. Because the only
17 way to know exactly what the officers were doing and
18 how many officers and which officers is to see the
19 activities outside of the cell as well as inside of
20 the cell.

21 Q And that's what prompted my questions.

22 Do you recall in your direct examination
23 with Mr. Heffner going back and forth on a
24 hypothetical about how many officers were outside of
25 the cell at what time?

1 A Yes.

2 **Q** Do you think that --

3 And certainly a video of that would have
4 informed you of the facts, fair?

5 A Well, yes. And there was video of it. It
6 just apparently was not kept or destroyed or
7 revealed, I don't -- I have no idea. All I know is
8 there had to be video.

9 **Q** Would video outside of the cell, seeing
10 that video, would that assist you in forming
11 opinions and be important evidence in this case, in
12 your view?

13 A Absolutely.

14 **Q** And as you said, you have never seen a
15 jail with video inside of a cell but not with video
16 outside in the area -- in the entryway of the cell
17 or the hallway, or whatever you would call that?

18 A I've seen the opposite, where they have
19 cell -- they have video in the hallways outside of
20 the cells but don't have it inside of the cell. But
21 I have never seen it reversed.

22 **Q** There is a number of areas that such a
23 video that we do not have would inform us.

24 For instance, all the discussions that you
25 had with Mr. Heffner about who was outside of the

1 cell, one person at the time, he was gouging or
2 turned away from the sink, was there one person, was
3 there four people. You noted Mr. Harris, the
4 difference is inconsistent testimony, was he there
5 or wasn't he there; whether one officer could go in
6 or not. We know that Nurse Martin changed her
7 testimony about did she go in first or was she the
8 last one in there. You testified today about the
9 decontamination procedures, what would the eyewash
10 station have looked like, was it there. We have the
11 whole issue of the planned use of force, how long
12 were Fisher and Harris outside talking before they
13 went in there, entering the cell, entering the cell
14 with or without assistance, how many officers were
15 out there watching him gouge his eye.

16 I gave in this long question, maybe too
17 long a question, I gave you some examples. Are
18 these all fair examples of some of the areas that a
19 video outside of the cell would inform us and
20 provide some concrete -- more concrete evidence?

21 MR. HEFFNER: Objection to the form of the
22 question.

23 Go ahead and answer, please. Sorry. I
24 cut you off.

25 THE WITNESS: I would say that it was more

1 than a compound question.

2 But on the other hand, I think that it was
3 a buildup of numerous circumstances that would
4 have reflected the ability for me to render
5 different and better opinions about the
6 circumstances without hypotheticals. So I
7 would say, yes, all of those questions would
8 have been answered.

9 And it is inconceivable that they kept
10 only the video from inside of the cell and not
11 of the officers' conduct. Because, really, the
12 issue is, if not more, at least as much about
13 the officers and their conduct as it is about
14 the conduct of Mr. Leonard. And therefore if
15 they kept one, I cannot see the reason or
16 excuse for not keeping the others.

17 BY MR. BURGER:

18 **Q** My laundry list of matters, those would be
19 things -- those would be activities in this case
20 that would have been depicted in such a hallway
21 video?

22 A Oh, they would have been depicted without
23 question. Absolutely.

24 **Q** And have you had other cases where you
25 have seen such videos? I think you said that

1 already.

2 A Oh, yes. Not in this jail. I have seen
3 such video --

4 Having been in as many jails as I have
5 throughout the country, having utilized video for
6 years as a part of the training, video that depicts
7 all of these kinds of circumstances in jails, having
8 discussed that video with officers to as many as
9 8,000 throughout the 50 states in the nation as I
10 framed over the years, this is all generally
11 recognized as certainly available at the time period
12 of this case.

13 If we had gone back ten more years, there
14 would have been less video -- but not given the
15 timeframe of this case, there would have been more,
16 especially inside of the cell and did not archive or
17 keep the outside of the cell areas of the cell -- of
18 the jail.

19 Q And just to be clear, having that video
20 would be helpful in rendering your opinions and/or
21 addressing hypotheticals or challenges to your
22 testimony from the defense, fair?

23 A I would say fair. And it would have taken
24 away most of the hypotheticals because they wouldn't
25 have been hypothetical anymore.

1 MR. BURGER: That's all the questions I
2 have.

3 THE WITNESS: Thank you.

4 MR. HEFFNER: I don't have any other
5 questions.

6 MR. BURGER: Ken, do you want to review
7 the deposition transcript or do you want to
8 waive your signature?

9 THE WITNESS: Well, I normally waive. I
10 think she probably got it clarified.

11 Generally nothing I read changes my
12 opinions. There could be some words missing
13 here or there.

14 I think considering the written report and
15 the opinions were all about the report itself,
16 I'm going to waive.

17 Is there a number I can reach you at, sir?

18 MR. BURGER: Gary Burger, you mean, or --

19 THE WITNESS: Yes.

20 (Discussion off the record.)

21 THE STENOGRAPHER: Mr. Heffner, would you
22 like this transcribed?

23 MR. HEFFNER: Please. E-tran, and then
24 could I get a condensed hard copy?

25 THE STENOGRAPHER: And would you like a